

107TH CONGRESS
1ST SESSION

S. 1368

To amend title 10, United States Code, to improve the organization and management of the Department of Defense with respect to space programs and activities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2001

Mr. ALLARD (for himself and Mr. SMITH of New Hampshire) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to improve the organization and management of the Department of Defense with respect to space programs and activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ESTABLISHMENT OF POSITION OF UNDER SEC-**
4 **RETARY OF DEFENSE FOR SPACE, INTEL-**
5 **LIGENCE, AND INFORMATION.**

6 (a) AUTHORITY OF SECRETARY OF DEFENSE TO ES-
7 TABLISH POSITION.—Upon the direction of the President,
8 the Secretary of Defense may, subject to subsection (b),

1 establish in the Office of the Secretary of Defense the po-
 2 sition of Under Secretary of Defense for Space, Intel-
 3 ligence, and Information. If the position is so established,
 4 the Under Secretary of Defense for Space, Intelligence,
 5 and Information shall perform duties and exercise powers
 6 as set forth under section 137 of title 10, United States
 7 Code, as amended by subsection (d).

8 (b) DEADLINE FOR EXERCISE OF AUTHORITY.—The
 9 Secretary may not exercise the authority in subsection (a)
 10 after December 31, 2003.

11 (c) NOTICE OF EXERCISE OF AUTHORITY.—If the
 12 authority in subsection (a) is exercised, the Secretary shall
 13 immediately notify Congress of the establishment of the
 14 position of Under Secretary of Defense for Space, Intel-
 15 ligence, and Information, together with the date on which
 16 the position is established.

17 (d) NATURE OF POSITION.—

18 (1) IN GENERAL.—Effective as of the date pro-
 19 vided for in paragraph (7), chapter 4 of title 10,
 20 United States Code, is amended—

21 (A) by redesignating section 137 as section
 22 139a and by transferring such section (as so re-
 23 designated) within such chapter so as to appear
 24 after section 139; and

1 (B) by inserting after section 136 the fol-
2 lowing new section 137:

3 **“§ 137. Under Secretary of Defense for Space, Intel-**
4 **ligence, and Information**

5 “(a) There is an Under Secretary of Defense for
6 Space, Intelligence, and Information, appointed from civil-
7 ian life by the President, by and with the advice and con-
8 sent of the Senate.

9 “(b) Subject to the authority, direction, and control
10 of the Secretary of Defense, the Under Secretary of De-
11 fense for Space, Intelligence, and Information shall per-
12 form such duties and exercise such powers relating to the
13 space, intelligence, and information programs and activi-
14 ties of the Department of Defense as the Secretary of De-
15 fense may prescribe. The duties and powers prescribed for
16 the Under Secretary shall include the following:

17 “(1) In coordination with the Under Secretary
18 of Defense for Policy, the establishment of policy on
19 space.

20 “(2) In coordination with the Under Secretary
21 of Defense for Acquisition, Technology, and Logis-
22 tics, the acquisition of space systems.

23 “(3) The deployment and use of space assets.

1 “(4) The oversight of research, development,
2 acquisition, launch, and operation of space, intel-
3 ligence, and information assets.

4 “(5) The coordination of military intelligence
5 activities within the Department.

6 “(6) The coordination of intelligence activities
7 of the Department and the intelligence community
8 in order to meet the long-term intelligence require-
9 ments of the United States.

10 “(7) The coordination of space activities of the
11 Department with commercial and civilian space ac-
12 tivities.

13 “(c) The Secretary of Defense shall designate the
14 Under Secretary of Defense for Space, Intelligence, and
15 Information as the Chief Information Officer of the De-
16 partment of Defense under section 3506(a)(2)(B) of title
17 44.

18 “(d) The Under Secretary of Defense for Space, In-
19 telligence, and Information takes precedence in the De-
20 partment of Defense after the Under Secretary of Defense
21 for Personnel and Readiness.”.

22 (2) ADDITIONAL ASSISTANT SECRETARY OF DE-
23 FENSE.—Section 138(a) of that title is amended by
24 striking “nine Assistant Secretaries of Defense” and
25 inserting “ten Assistant Secretaries of Defense”.

1 (3) DUTIES OF ASSISTANT SECRETARIES OF
 2 DEFENSE FOR SPACE, INTELLIGENCE, AND INFOR-
 3 MATION.—Section 138(b) of that title is amended by
 4 adding at the end the following new paragraph:

5 “(7) Two of the Assistant Secretaries shall have as
 6 their principal duties supervision of activities relating to
 7 space, intelligence, and information. The Assistant Secre-
 8 taries shall each report to the Under Secretary of Defense
 9 for Space, Intelligence, and Information in the perform-
 10 ance of such duties.”.

11 (4) CONFORMING AMENDMENTS.—Section
 12 131(b) of that title is amended—

13 (A) by redesignating paragraphs (6)
 14 through (11) as paragraphs (7) through (12),
 15 respectively; and

16 (B) by inserting after paragraph (5) the
 17 following new paragraph (6):

18 “(6) The Under Secretary of Defense for
 19 Space, Intelligence, and Information.”.

20 (5) PAY LEVELS.—(A) Section 5314 of title 5,
 21 United States Code, is amended by inserting after
 22 “Under Secretary of Defense for Personnel and
 23 Readiness” the following:

24 “Under Secretary of Defense for Space, Intel-
 25 ligence, and Information.”.

1 (B) Section 5315 of title 5, United States Code,
 2 is amended in the item relating to Assistant Secre-
 3 taries of Defense by striking “(9)” and inserting
 4 “(10)”.

5 (6) CLERICAL AMENDMENTS.—The table of sec-
 6 tions at the beginning of chapter 4 of title 10,
 7 United States Code, is amended—

8 (A) by striking the item relating to section
 9 137 and inserting the following new item:

“137. Under Secretary of Defense for Space, Intelligence, and Information.”;
 and

10 (B) by inserting after the item relating to
 11 section 139 the following new item:

“139a. Director of Defense Research and Engineering.”.

12 (7) EFFECTIVE DATE.—The amendments made
 13 by this subsection shall take effect as of the date
 14 specified in the notification provided by the Sec-
 15 retary of Defense to Congress under subsection (c)
 16 of the exercise of the authority in subsection (a).

17 (e) REPORT.—(1) Not later than 30 days before an
 18 exercise of the authority provided in subsection (a), the
 19 President shall submit to Congress a report on the pro-
 20 posed organization of the office of the Under Secretary
 21 of Defense for Space, Intelligence, and Information.

22 (2) If the Secretary of Defense has not exercised the
 23 authority granted in subsection (a) on the date that is one

1 year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives on that date a report describing the actions taken by the Secretary to address the problems in the management and organization of the Department of Defense for space activities that are identified by the Commission To Assess United States National Security Space Management and Organization in the report of the Commission submitted under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

SEC. 2. RESPONSIBILITY FOR SPACE PROGRAMS.

(a) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 134 the following new chapter:

“CHAPTER 135—SPACE PROGRAMS

“Sec.

“2271. Responsibility for space programs.

“§ 2271. Responsibility for space programs

“(a) RESPONSIBILITY OF SECRETARY OF AIR FORCE AS EXECUTIVE AGENT.—The Secretary of the Air Force shall be the executive agent of the Department of Defense for functions of the Department designated by the Secretary of Defense with respect to the following:

1 “(1) Planning for the acquisition programs,
2 projects, and activities of the Department that relate
3 to space.

4 “(2) Efficient execution of the programs,
5 projects, and activities.

6 “(b) RESPONSIBILITY OF UNDER SECRETARY OF AIR
7 FORCE AS ACQUISITION EXECUTIVE.—The Under Sec-
8 retary of the Air Force shall be the acquisition executive
9 of the Department of the Air Force for the programs,
10 projects, and activities referred to in subsection (a).

11 “(c) RESPONSIBILITY OF UNDER SECRETARY OF AIR
12 FORCE AS DIRECTOR OF NRO.—The Under Secretary of
13 the Air Force shall act as the Director of the National
14 Reconnaissance Office.

15 “(d) COORDINATION OF DUTIES OF UNDER SEC-
16 RETARY OF AIR FORCE.—In carrying out duties under
17 subsections (b) and (c), the Under Secretary of the Air
18 Force shall coordinate the space programs, projects, and
19 activities of the Department of Defense and the programs,
20 projects, and activities of the National Reconnaissance Of-
21 fice.

22 “(e) SPACE CAREER FIELD.—(1) The Under Sec-
23 retary of the Air Force shall establish and implement poli-
24 cies and procedures to develop a cadre of technically com-
25 petent officers with the capability to develop space doc-

1 trine, concepts of space operations, and space systems for
 2 the Department of the Air Force.

3 “(2) The Secretary of the Air Force shall assign to
 4 the commander of Air Force Space Command primary re-
 5 sponsibility for—

6 “(A) establishing and implementing education
 7 and training programs for space programs, projects,
 8 and activities of the Department of the Air Force;
 9 and

10 “(B) management of the space career field
 11 under paragraph (1).

12 “(f) JOINT PROGRAM MANAGEMENT.—The Under
 13 Secretary of the Air Force shall take appropriate actions
 14 to ensure that, to maximum extent practicable, Army,
 15 Navy, Marine Corps, and Air Force personnel are as-
 16 signed, on a joint duty assignment basis, as follows:

17 “(1) To carry out the space development and
 18 acquisition programs of the Department of Defense;
 19 and

20 “(2) To the Office of the National Security
 21 Space Architect.”.

22 (b) CLERICAL AMENDMENT.—The tables of chapters
 23 at the beginning of such subtitle and at the beginning of
 24 part IV of such subtitle are amended by inserting after
 25 the item relating to chapter 134 the following new item:

“135. Space Programs 2271”.

1 **SEC. 3. MAJOR FORCE PROGRAM CATEGORY FOR SPACE**
2 **PROGRAMS.**

3 (a) REQUIREMENT.—The Secretary of Defense shall
4 create a major force program category for space programs
5 for purposes of the future-years defense program under
6 section 221 of title 10, United States Code.

7 (b) COMMENCEMENT.—The category created under
8 subsection (a) shall be included in each future-years de-
9 fense program submitted to Congress under section 221
10 of title 10, United States Code, in fiscal years after fiscal
11 year 2002.

12 **SEC. 4. ASSESSMENT OF IMPLEMENTATION OF REC-**
13 **COMMENDATIONS OF COMMISSION TO ASSESS**
14 **UNITED STATES NATIONAL SECURITY SPACE**
15 **MANAGEMENT AND ORGANIZATION.**

16 (a) COMPTROLLER GENERAL ASSESSMENT.—The
17 Comptroller General shall carry out an assessment of the
18 progress made by the Department of Defense in imple-
19 menting the recommendations of the Commission To As-
20 sess United States National Security Space Management
21 and Organization as contained in the report of the Com-
22 mission submitted under section 1623 of the National De-
23 fense Authorization Act for Fiscal Year 2000 (Public Law
24 106–65; 113 Stat. 815).

25 (b) REPORTS.—Not later than February 15 of each
26 of 2002 and 2003, the Comptroller General shall submit

1 to the Committees on Armed Services of the Senate and
 2 House of Representatives a report on the assessment car-
 3 ried out under subsection (a). Each report shall set forth
 4 the results of the assessment as of the date of such report.

5 **SEC. 5. GRADE OF COMMANDER OF AIR FORCE SPACE COM-**
 6 **MAND.**

7 (a) IN GENERAL.—Chapter 845 of title 10, United
 8 States Code, is amended by adding at the end the fol-
 9 lowing new section:

10 **“§ 8584. Commander of Air Force Space Command**

11 “(a) GRADE.—The officer serving as commander of
 12 the Air Force Space Command shall, while so serving,
 13 have the grade of general.

14 “(b) LIMITATION ON CONCURRENT COMMAND AS-
 15 SIGNMENTS.—The officer serving as commander of the
 16 Air Force Space Command may not, while so serving,
 17 serve as commander-in-chief of the United States Space
 18 Command (or any successor combatant command with re-
 19 sponsibility for space) or as commander of the United
 20 States element of the North American Air Defense Com-
 21 mand.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
 23 at the beginning of such chapter is amended by adding
 24 at the end the following new item:

“8584. Commander of Air Force Space Command.”.

1 **SEC. 6. SENSE OF CONGRESS REGARDING GRADE OF OFFI-**
2 **CER ASSIGNED AS COMMANDER OF UNITED**
3 **STATES SPACE COMMAND.**

4 It is the sense of Congress that the Secretary of De-
5 fense should assign the best qualified officer of the Army,
6 Marine Corps, or Air Force with the grade of general, or
7 of the Navy with the grade of admiral, to the position of
8 Commander of the United States Space Command.

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